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Date: 14 January 2003

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name: Examiner Sumesh Kaushal, Ph.D., Group Art Unit 1636

Facsimile Number: 703-308-4242

Telephone Number: 703-305-6838

Pages: 7 (including this fax cover sheet)

Subject: Attorney File No. IM-2-C1-C1

U.S. Patent Application Serial No. 09/755,633

From: Richard J. Stern, Ph.D. (970-493-7272 - Ext. 4174)

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GROUP 1600

Special Instructions:

Response to Restriction Requirement and Preliminary Amendment is attached.

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U.S. DEPARTMENT OF COMMERCE
Washington, D.C. 20591
(703) 355-1400
http://www.uspto.gov

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

) Group Art Unit: 1636

Yang, Shumin
McCall, Catherine A.
Weber, Eric R.

) Examiner: Sumesh Kaushal

Serial No.: 09/755,633

PRELIMINARY AMENDMENT

Filed: January 5, 2001

CERTIFICATE OF MAILING

Mn File Name: RM 2 GL GL

I HEREBY CERTIFY THAT THIS

For: "CANINE IMMUNOREGULATORY
NUCLEIC ACID MOLECULES, AND
USES THEREOF"

) TRANSMITTED TO EXAMINER SUMESH KAUSHAL,
Ph.D., FAX NO. 703-308-1242, ADDRESSED TO
COMMISSIONER FOR PATENTS, WASHINGTON, DC
20231, THIS 14TH DAY OF JANUARY 2003.

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(As Amended)**

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20231, THIS 14TH DAY OF JANUARY 2003.

HESKA CORPORATION

Suresh A. Goyal

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed from the U.S. Patent and Trademark Office on December 17, 2002, Applicants provisionally elect to prosecute Group I with traverse for the reasons given below. Applicants note this election is made solely in the interest of expediting prosecution and Applicants reserve the right to traverse division between Groups II and III and division between species in subsequent divisional filings. Applicants further reserve the right to file divisional applications relating to these claims without the need to file a terminal disclaimer.

Prior to Examination of the claims on the merits, please amend the above-referenced Application as follows:

IN THE TITLE

Please cancel the current title and enter the following new title:

CANINE IMMUNOREGULATORY NUCLEIC ACID MOLECULES AND USES THEREOF